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U.S. DISTRICT COURT

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U.S. DISTRICT COURT

## UNITED STATES DISTRICT COURT

10th for the Utah  
 District of Utah  
 Division

Gary Earl Brundage

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Michael Lee Vandam  
 Ogden LDS Family Services  
 Church of Jesus Christ of Latter-Day Saints

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☒ No

Case: 1:22-cv-00130

Assigned To : Pead, Dustin B.

Assign. Date : 10/4/2022

Description: Brundage V Vandam et al

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
 (Non-Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Gary Brundage		
Address	713 Hislop Drive		
	Ogden	UT	84404
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Weber County		
Telephone Number	801-814-4376		
E-Mail Address	GaryBrundageNGU@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Michael Vandam		
Job or Title <i>(if known)</i>	Therapist		
Address	1525 Lincoln Avenue		
	Ogden	UT	84404
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Weber County		
Telephone Number	801-815-6152		
E-Mail Address <i>(if known)</i>	MichaelVandam@ChurchofJesusChrist.org		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name	Ogden LDS Family Services		
Job or Title <i>(if known)</i>	Outpatient LDS Counseling Office		
Address	1525 Lincoln Avenue		
	Ogden	UT	84404
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Weber		
Telephone Number	801-621-6510		
E-Mail Address <i>(if known)</i>	Ogden@churchofjesuschrist.org		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 3

Name

Church of Jesus Christ of Latter-Day Saints

Job or Title *(if known)*

Address

50 West North Temple Street

Salt Lake City

UT

84150

City

State

Zip Code

County

Salt Lake County

Telephone Number

801-240-1000

E-Mail Address *(if known)*
☐ Individual capacity
 ☒ Official capacity

## Defendant No. 4

Name

Job or Title *(if known)*

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*
☐ Individual capacity
 ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☒ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?  
I am suing for discrimination for sexual orientation and substance use disorder.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

My right to engage in civil side of society was denied to me due to sexual orientation.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I was accepted in the men's pornography group and then when I came in for my assessment after already receiving an acceptance email I was removed from the group after disclosing being referred for homosexual behavior as well that I had confessed to the church. This man removed me from the group, and he was acting on behalf of the LDS family services office which is acting on behalf of the church. I was referred by the church and the church owns the LDS family services office making them liable.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

The Ogden LDS Family Services Office in Ogden, UT.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

09/06/2022, 9:00 AM-10:00 AM

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

I was referred to the Ogden LDS Family Services Office by my bishop Jace Christensen in Ogden, UT. I was set up to attend in September and the therapist called me on 08/26/2022 to help me sign up. I then recieved an email from the therapist on 08/29/2022 confirming me as a member of the group.

I came in for my assessment prior to the group on 9/6/2022. I came in for the assessment and told the therapist that I had been referred for "out of control pornography use" like the group advertised, but that I had also been working with my bishop after confessing homosexual behavior with other men. I told the therapist that I had a disciplinary council with the church for homosexual behavior with men in the past and as soon as I said this the therapist told me I was not the right fit for the group. Michael Vandam stated: "You'd be the only person there who had done something like that."

I was removed from the group and left with no type of appointment. It was discrimination .

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I cried for 7 hours the day that this happened and it has been hard on me ever since that time. I have spent days in distress from this up to and including lethargy and a difficulty focusing. I have been distracted with upset due to this situation. I will struggle from what happened the rest of my life. They then sent me a bill in the mail for the assessment and I feel like that made my distress from the situation worsen.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like to seek 3 million in damages as well as 3 million in punitive damages from all three defendants for a total of 18 million dollars. I consider each defendant liable for 3 million in damages as well as 3 million punitive (6 million each).

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/30/2022

Signature of Plaintiff

Printed Name of Plaintiff

*Gary Earl Brundage*  
Gary Earl Brundage

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

                      
*City*

                      
*State*

                      
*Zip Code*

Telephone Number

E-mail Address